

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, October 5, 2016, in the City Commission Meeting Room with Vice Mayor Mlynar presiding and Commissioners, Geitz and Harmon present. Mayor Gilligan was present via conference call. Commissioner Giefer was absent. Also present were City Manager McAnarney, Assistant City Manager Witt, City Clerk Sull and City Attorney Montgomery.

Consent Agenda

It was moved by Commissioner Geitz, seconded by Commissioner Harmon that the Consent Agenda listed below be ratified as a whole:

- a. Consider minutes of the Commission Meeting held on September, 2016.
- b. Consider ratification of Payroll Ordinance for period ending September 16, 2016.
- c. Set Bid Time and Date for new Pickup Truck Purchases.

The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Mayor Gilligan, aye; and Vice Mayor Mlynar, aye.

**CITY COMMISSION
(Public Comment)**

Heather Wedel and Mary Halleran, representing SOS, were in attendance to accept a proclamation declaring the month of October as "Domestic Violence Awareness Month" in Emporia. They stated domestic violence is a serious crime that affects people of all races, ages, gender and income levels. Domestic Violence Awareness Month provides an excellent opportunity for citizens to learn more about preventing domestic violence and to show support for the numerous organizations and individuals who provide critical advocacy, services, and assistance to victims. They urged all citizens of Emporia to work together to eliminate domestic violence from our community.

Vice Mayor Mlynar then presented the proclamation.

CITY COMMISSION
(Permanent Utility Easements from Hidden Lakes & Trail Assoc. Inc.)
(Sanitary Sewer and Storm Sewer Improvements)

Assistant City Manager Witt was recognized and addressed the Governing Body. He stated these permanent public utility easements grant the City permission to construct, operate, access and maintain public services for the new Hidden Vista subdivision. BG Consultants prepared the easement descriptions and exhibit map. The two easements are for sanitary sewer and storm water improvements. He stated staff is recommending accepting the permanent utility easements from Hidden Lakes and Trail Association, Inc.

Commissioner Geitz made a motion to accept the permanent utility easement from Hidden Lakes and Trail Association, Inc., for the proposed sanitary sewer and storm sewer improvements. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Mayor Gilligan, aye; and Vice Mayor Mlynar, aye.

HOUSING
(Kansas Housing Resources Corporation)
(Moderate Income Housing Program)
(Resolution Number 3588)

Jeff Lynch, Community Development Coordinator, was recognized and addressed the Governing Body. He stated this is a resolution to submit a grant application to the Kansas Housing Resources Corporation, Moderate Income Housing Program to provide funding to develop single family homes. In order to provide more affordable housing and to replace homes that have been demolished in the older neighborhoods, providing an in-fill housing development program could make an improvement to the City's housing. This resolution would allow the city to be a grant administrator; waive city building permits and inspection fees; donate 5 residential city owned lots; and provide \$50,000 bridge construction loan. He stated staff recommends approval of the resolution.

Commissioner Harmon made a motion to approve Resolution Number 3588, a resolution to submit a grant application for assistance to the Kansas Moderate Income Housing Program. Commissioner Geitz seconded the motion.

The vote follows: Commissioner Harmon, aye; Commissioner Geitz, aye; Mayor Gilligan, aye; and Vice Mayor Mlynar, aye.

CITY COMMISSION
(Approve Joint Multi-Use Path Planning Board- MUPP)
City of Emporia/Lyon County
(Resolution Number 3587)

City Attorney Montgomery was recognized and addressed the Governing Body. She state city staff, in conjunction with county staff, has prepared a Joint Resolution which would establish a joint City and County Multi-Use Path Planning Board. The City and County Commissioners desire to promote and develop multi-use paths and routes within the City and County. The proposed Resolution would allow 6 members appointed by the City and 6 members appointed by the County. Term of office shall be 3 years with eligibility for reappointment to serve another 3 year term. Members of the board may establish standard of participation of the membership which if violated may result in the board recommending the removal of that member from the board. Any member who misses more than 3 consecutive meetings or 5 meeting in a period of 1 year, without an excuse accepted by a majority of the board, shall be deemed to have vacated their position. The board shall hold regular meetings; provide by-laws; election of officers, terms of office, voting, and other matters as may be deemed necessary for the operation of the board.

Following further discussion, Commissioner Geitz made a motion to approve Resolution Number 3587, a resolution allowing a joint enactment of the Governing Body of the City of Emporia, and the Board of County Commissioners to establish the Joint Multi-Use Path Planning Board. Commissioner Harmon seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Geitz, aye; Mayor Gilligan, aye; and Vice-Mayor Mlynar, aye.

BONDS
(Authorize 2016 General Obligation Bonds)
(Resolution Number 3589)

City Manager McAnarney and Janet Harrouff, Director of Administrative Services, were recognized and addressed the Governing Body. They stated this resolution authorizes the offering of the 2016 General Obligation Bonds for the City. Authorization for each project has been previously approved. The projects are as follows:

Additional funds for Ozone replacement project	\$ 400,000
Water Main replacement at Sylvan 6 th to 12 th and 15 th State to Center	\$ 545,000
Water Main replacement on 18 th from W. Wilman Ct. to Rural	\$ 120,000
Water Main replacement on E. Wilman Ct.	\$ 400,000
Raw Water line replacement from Plant to River	<u>\$ 700,000</u>
	\$2,165,000
 Purchase Rescue Truck	 \$ 450,000
Purchase Ambulance	<u>\$ 225,000</u>
 _____ Total to Bond	 \$2,840,000

They stated in this bond authorization they will refinance the 2007B, 2009A and 2010 GO Bonds, which will be an estimated saving of \$71,000.

Commissioner Geitz made a motion to approve Resolution Number 3589, a resolution offering the sale of the City's General Obligation Refunding and improvement Bonds, series 2016 in the approximate principal amount of \$5,000,000. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Mayor Gilligan, aye; and Vice Mayor Mlynar, aye.

BONDS
(Authorize 2016 General Obligation Bonds)
(Ordinance Number 16-38)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, AUTHORIZING THE CITY TO MAKE PUBLIC WATER SYSTEM IMPROVEMENTS, ACQUIRE AN AMBULANCE AND AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS TO PAY COSTS THEREOF, to which the City Clerk assigned Ordinance Number 16-38, was presented to the Governing Body for their consideration.

City Manager McAnarney stated this ordinance authorized Series 2016 General Obligation Bonds to be issued for various water system improvements

and acquire an ambulance.

Commissioner Harmon made a motion to approve Ordinance Number 16-38, an ordinance authorizing the City to make public water system improvements, acquire an ambulance and authorizing the city to issue general obligation bonds. Commissioner Geitz seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Geitz, aye; Mayor Gilligan, aye; and Vice Mayor Mlynar, aye.

TRAFFIC
(Standard Traffic Ordinance)
(Ordinance Number 16-39)

AN ORDINANCE ADOPTING THE STANDARD TRAFFIC ORDINANCE AND AMENDMENTS THERETO, AMENDING SECTION 25-21 OF THE CODE OF THE CITY OF EMPORIA, KANSAS, 1983 AS AMENDED, AND REPEALING SAID SECTION AS IT EXISTED PRIOR TO THE ADOPTION OF THIS ORDINANCE, to which the City Clerk assigned Ordinance Number 16-39, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated the League of Kansas Municipalities publishes the Standard Traffic Ordinances for Kansas Cities incorporating the most recent legislative changes which affect city ordinances. She stated the 44th edition contains all of the legislative changes adopted after the last legislative session, as well as all previous amendments. The legislature made the following changes to the traffic laws for 2016:

- Section 30. Driving Under the Influence of Intoxicating Liquor or Drugs; Penalties. This amendment changes the driving under the influence sentencing designations. Prior conviction for refusal to submit to a breath test will no longer be counted as a previous DUI conviction.
- Section 30.1 Driving Commercial Motor Vehicle Under the Influence of Intoxication Liquor or Drugs; Penalties. This amendment changes the driving commercial motor vehicle while under the influence sentencing designations. Prior conviction for refusal to submit to a breath test will no longer be counted as a previous DUI conviction.
- Section 30.2 Preliminary Breath Test. Refusal to submit to a preliminary breath test will no longer be a traffic violation for which a person may be charged. It will continue to be authorized for use by law enforcement for investigation purposes.

Section 30.2.1 Refusal to Submit to Alcohol or Drug Test. This section has been deleted. It is no longer a chargeable offense.

Section 175.1 Compression Release Engine Braking System. This amendment adds a definition stating that "compression release engine braking system" means a hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism. This term was previously not defined.

She stated she was recommending that the Commission adopt the Standard Traffic Ordinance, 44th edition, incorporating the changes.

Commissioner Geitz made a motion to approve Ordinance Number 16-39, an ordinance adopting the amendments listed to the Standard Traffic Ordinance for 2016. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Mayor Gilligan, aye; and Vice Mayor Mlynar, aye.

CITY COMMISSION (City Manager's Report)

This is a verbal report that announces upcoming events, recognizes employees for outstanding contributions and provides the public information that may be of a general interest. The following information was presented at the meeting:

At this time this Agenda was prepared, the following items were in the works:

TENTATIVE AGENDA FOR OCTOBER 12TH STUDY SESSION

1. Residency Policy & Nepotism Policy
2. Discuss Increase in Transient Guest Tax
3. Discuss Possible Public Hearing or Request of Westridge Drive Parking Designation.
4. Review Changes to Ordinance Regarding Allowance for Driveway Widths
5. Discuss Lyon County/Emporia Continuity of Operations Disaster Drill
6. Mobilite-Cell Boosters

City Manager McAnarney requested that Commission adjourn to October 12, 2016 at 9:30 to continue this meeting.

EXECUTIVE SESSION

Executive Session was cancelled.

Commissioner Geitz than made a motion to adjourn the meeting to October 12, 2016 at 9:30 a.m. in City Conference Room 1AB. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Mayor Gilligan, aye; and Vice Mayor Mlynar, aye.

Bobbi Mlynar, Vice Mayor

ATTEST:

Kerry Sull, City Clerk